PETITION FOR ZONING VARIANCE S/S Allegheny Avenue, 193' E of Washington Avenue (29 Allegheny Avenue) 9th Election District

* ZONING COMMISSIONER

Anne M. Fischer

Petitioner

4th Councilmanic District

* * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

* OF BALTIMORE COUNTY

* Case No. 88-491-A

The Petitioner herein requests a variance to permit seven (7) parking spaces in lieu of the required 12 parking spaces, to allow for proposed improvements to an existing building, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Counsel, William E. Hammond, Esquire. Also appearing on behalf of the Petition was Mary Gamberdella, Lessee of the subject property. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

20'ALLEY 12' Cons. Paving S 79-14'E 32'-____ Macadam . Ciler Entr. Covered Frame Hores . . 1 STORY F MASONRY 2 STURY FRAME · Store Steps - I'l Flor Entrance I STORY BRICK ... Stone Fillor STOREFRONT ----/93'z ---

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown. This plat is not intended for use in

establishing property lines. a. C. Vaca Level 1/2 DEG. NO. 4057

LOCATION SURVEY 29 ALLEGHANY AVENUE - BALTIMORE CO.,MD.

ALLEGHANY AVENUE

VAN DEUTH & WEIDNED, INC. CIVIL ENGINEERS & SURVEYORS 5509 YORK DOAD BALTIMODE, MADYLAND 21212

1": 30" DATE JO5 NO.

SCALE

THEREFORE! IT IS ORDERED by the Zoning Commissioner for Baltimore County this Boday of June, 1988 that the Petition for Zoning Variance to permit seven (7) parking spaces in lieu of the required 12 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> Zoning Commissioner for Baltimore County

> > MY NEIDA

JRH:bjs

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2f. to permit 7 parking spaces in lieu of the required 12 parking spaces

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Lot as owned by Petitioner is too small to be able to lay out the required number of parking spaces in the unimproved area of said lot and without the requested variance the proposed improvements to the existing structure cannot be

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this. D petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County, TDATE 10/4/11. I/We do solemnly declare and affirm 200 U.F. under the penalties of perjury, that I/We are the legal owner(s) of the property 1000 FF which is the subject of this Petition. Contract Purchaser: Lega! Owner(s): N - 37,960 (Type or Print Name)

411 Fox Chapel Drive William E. Hammond (Type of Print Name) Sellem Z Dan Lutherville, Md. 21093 - City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Reisterstown, Md. 21136

Attorney's Telephone No.: 833-1322 ORDERED By The Zoning Commissioner of Baltimore County, this 6th day

8 th, day of JUNE A:M. Zoning Commissioner of Baltimore County

NON-ARCITAGES - REAL TO NOWING

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

June 15, 1988

William E. Hammond, Esquire 107 Main Street Reisterstown, Maryland 21136

Caso No. 88-491-A

RE: PETITION FOR ZONING VARIANCE S/S Allegheny Avenue, 193' E of Washington Avenue (29 Allegheny Avenue) 9th Election District; 4th Councilmanic District

Dear Mr. Hammond:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

> Very truly yours, Robert Haines J. ROBERT CAINES

Zoning Commissioner JRH:bjs for Baltimore County Enclosure cc: Ms. Mary Gamberdella

Gamberdella's 29 Allegheny Avenue, Towson, Md. 21204 People's Counsel File

Zoning Commission Office of Planning & Zoning Towson, Maryland 21204 494-3353

Dennis F. Rasmusset

J. Robert Haines Zonng Communication

November 7, 1988



Howard C. Harclerode KBD Engineering Company 1 Country Club Lane Phoenix, MD 21131

> RE: Building Permit #C-399-88 29 Allegheny Avenue 9th Election District

Dear Mr. Harclerode:

As per our telephone conversation on this date, I can advise you that nine (9) copies of the site plan originally filed with the above application must be revised to reflect the parking data as it relates to the presently proposed application.

I am also enclosing a copy of Mr. Richards's March 16, 1988 comments, which are still valid.

If you have any questions, you may contact me at 887-3391.

Very truly yours,

JAMES E. DYER Zoning Supervisor

JED:scj

Enclosure

BEGINNING for the same on the South side of Allegheny Avenue at a point distant North 79 degrees 15 minutes West 48 feet from the beginning of a parcel of land which by Deed dated July 18, 1932 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 901 folio 125, was conveyed by Elmer R. Haile, et al, to Walter P. Reckord and running thence and binding on the South side of Walter P. Reckord and running thence and binding on the South side of Allegheny Avenue and also binding on a part of the first line of said parcel of land North 79 degrees 15 minutes West 32 feet to an iron bar heretofore set at the beginning of the second line of the above referred to parcel of land and binding on said second line South 10 degrees 45 minutes West 150 feet to an iron bar herotofore set at the end of said line, and on the North side of a 20 foot alley; thence binding on the North side of said alley South 79 degrees 14 minutes East 32 feet; thence leaving said alley and running for a line of division North 10 degrees 45 minutes East 150 feet to the place of beginning. The improvements thereon are now known as No. 29 Allegheny Avenue.

BEING all and the same lot or parcel of ground which by Deed dated June 16, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4476 folio 015, was granted and conveyed by Ethel Stow Chester unto Howard Meredith Bryant and Zoe S. Bryant, his wife. The said Zoe S. Bryant departed this life January 18, 1978 whereby title became vested in the Grantor by right of survivorship.

Baltimore County Zoning Commissiones Office of Planning & Zoning Towson, Maryland 21204 191-3333 J. Robert Haines



March 16, 1988

Hr. Howard C. Harclerode KBD Engineering Co. 1 Country Club Lane Phoenix, Md. 21131

RE: Building Permit No. C-399-88 29 Allegheny Ave.

9th. Elect. Dist.

Dear Mr. Harclerode.

The Zoning Office cannot approve the above referenced building permit application for the following reason(s):

> Improper setbacks Improper use Improper location

Inspection of the property must be made insufficient information on permit Revised Plans (9 copies) must be submitted to the counter in Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. All plans must be accompanied by

a cover letter listing the revisions and referencing the permit and control number. Revised plans must be submitted Y Other (Please submit revised plans including the correct parking calculations: Ex- 1/325 Sq. ft. for retail area and area that the

public is allowed in, 1/300 Sq.ft. for business office (employees only) on the first floor and 1/500 for office on the second floor of the building. Also, include a parking lease for the spaces that are required and cannot be provided on the lot.

If you have any further questions, you may contact me at 494-3391.

Very truly yours.

W. CARL HICHARDS, JR. Zoning Coordinator

cc: Zoning File Planning File

BEGINNING for the same on the South side of llegheny Avenue at a distance of 193 feet east of the east side of Washington Avenue

and running thence and binding on the South side or cel of land North 79 degrees 15 minutes West 32 feet to an iron bar heretofore set at the beginning of the second line of the above referred minutes West 150 feet to an iron bar heretofore set at the inding on said second line South 10 degrees 45 line, and on the North side of a 20 foot alley; thence binding on the North side of a 20 foot alley; thence binding on the leaving said alley south 79 degrees 14 minutes East 32 feet; thence 45 minutes East 150 feet to the place of beginning. The improvements thereon are now known as No. 29 Allegheny Avenue.

BEING all and the same lot or parcel of ground which by Deed dated June 16, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4476 folio 015, was granted and conveyed by Ethel Stow Chester unto Howard Meredith Bryant and Zoe S. Bryant, his wife. The said Zoe S. Bryant departed this life January 18, 1978 whereby title became vested in the Grantor by right of survivorship.

Plearing Date: Wednesday, June 8, 1988 at 11:00 a.m.
Variance to permit # parking apaces in lieu of the required 12 parking spaces that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES #52.20 Zoning Commissioner of Baltimore County
L-231 May 18.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on May 18, 1988

S. Zehe Olm Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner

Date: 5/25/88

Dennis F. Rasmussen
County Executive

Me. Arms M. Flachet 411 Fox Chapel Crive Lutherville, "aryland 21083

Petition for Ioning Variance CASE NUMBER: BG-401-A 5/3 Allegheny Avenue, 123' E Mauhington Avenue (23 Allegarry Avenue) Oth Election District - 4th Councilmania Petitions(a): Anna N. Fischer HEARDE SCHEDULEDS HEXESDAY, JUE 8, 1003 at 11100 a.m.

Deer Ro. Firehemt

Please be advised that 100.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building. Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not recurned.

Very truly yours,

Robert Haines J. ROBERT HAINES Zoning Commissioner of Baltimore County

ces Ps. Fireher 1611tam E. Hemmond, Esq.

Date of Posting 91ky 17, 1988. Location of property 5/5 Allegheny arenie, 193' E. Washington are

(29 Allegheny arenies)

Location of Signer In front of 29 Allegheny arenies Date of return: May 30, 1988

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Petitioner(s):
Anne M. Fischer
Hearing Date: Wednesday,
June 8, 1988 at 11:00 s.m.
Variance to permit 7 parking
spaces in lieu of the required 12. THE JEFFERSONIAN, spaces in life or the requirements of the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zorung Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hoarman.

5. Zete Oilm

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

I. ROBERT HAINE

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Verterce CASE AUGUSTO 66-001-A 5/5 Alleghany Avenue, 193° E Vanisington Avenue (29 Allegherry Averue) 9th Election District - 4th Councilmente Patitioner(s): Anno M. Fischer HEAPTHS SCHOOLSD: MINESCHY, SINE S, 1908 of 11:00 tem.

Versions to permit 7 perking spaces in line of the required 12 perions reason.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

oct Anna M. Fischer Willies E. Harmond, Esq. Ballimore County Revenue Authority 10 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

February 25, 1988

William E. Hammond Attorney at Law 107 Main Street Reisterstown, MD 21136 Dear Mr. Hammond:

Thank you for your letter of February 22. It is the policy of the Revenue Authority to provide monthly parking for the general public in our various Towson facilities. Enclosed is a statement of that policy along with a copy of our Monthly Parkcard Agreement.

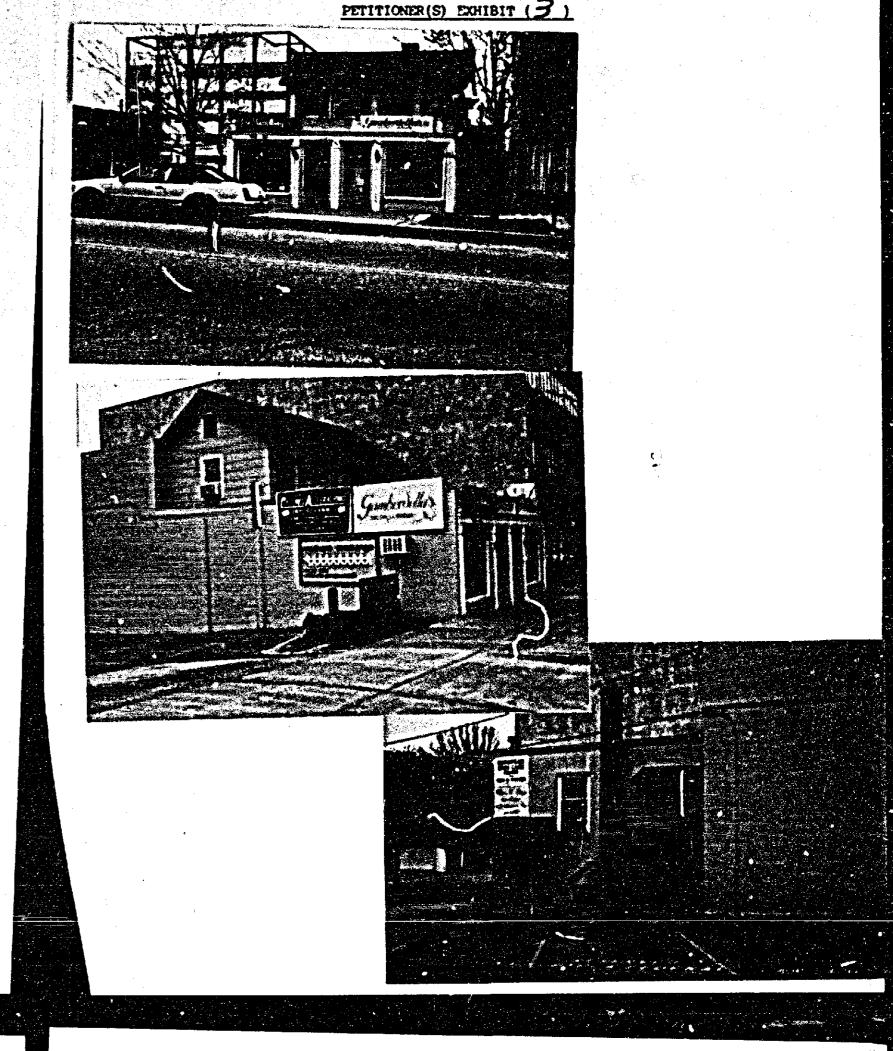
Due to restrictions imposed on us by the Internal Revenue Code, we cannot enter into a long term lease arrangement with our parking customers. However, sufficient capacity exists in our garages that would allow us to offer your client, Mrs. Anne M. Fischer, the necessary spaces as required by the zoning property at 29 Allegheny Avenue in Towson. We understand that improvement. If a variance should be granted, please let me know how many spaces will ultimately be required for her project.

The present rate for monthly parking in our multi-level structures in Towson is \$47.00. We reserve the right to revise the rate for monthly parking, which is subject to change from

If you should have any further questions, please do not hesitate to call me.

Sincerely, Kenneth 7 Muls f. Kenneth F. Wills, Jr. Deputy Director

KFM/mls2 Enclosures



PARKING SPACE CALCULATIONS FOR 29 ALLEGHENY AVENUE

Ground Floor

Retail space - Alterations Shop (256.8 sq. ft.)

First Floor

Purse Shop (231.2 sq. ft.) Clothes Exchange (379.5 sq. ft.) Beauty Salon (528.8 sq. ft.) Bridal Salon (492.8 sq.ft.) Retail space

Total area of 1,632.3 sq. ft.

Second Floor

Bridal Salon: existing (742.1 sq. ft.)

> Bridal Salon: new (987.9 sq. ft.)

Total area of 1,737.0 sq. ft.

GRAND TOTAL AREA = 3,626.1 sq.ft.

Basis for determining parking spaces required = 1 space for every 325 square feet of retail space in Towson Town Center

Total required parking spaces - 12
Total parking spaces available - 7
Additional required spaces 5

PRINTING 3 4 C-399-88

PARKING SPACE CALCULATIONS FOR 29 ALLEGHENY AVENUE

Ground Floor

- Alterations Shop (256.8 sq. ft.)

First Floor

Purse Shop (231.2 sq. ft.)
Clothes Exchange (379.5 sq. ft.)
Beauty Salon (528.8 sq. ft.)
Bridal Salon (492.8 sq.ft.)

Total area of 1,632.3 sq. ft. 196314

Second Floor

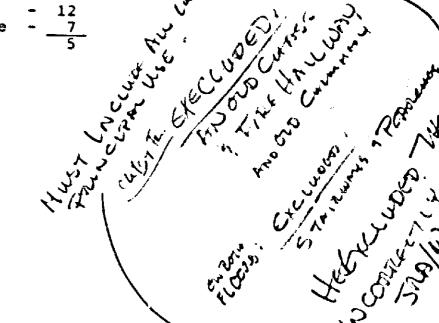
Bridal Salon: existing (742.1 sq. ft.) 7504 Retail space -

Bridal Salon: new (987.9 sq. ft.) 1099.75.
1717 0 sq. ft. 1848.75/11 200 Tt. Total area of 1,737.0 sq. ft.

11163 GRAND TOTAL AREA = 3,626.1 sq.ft. 331.75

Basis for determining parking spaces required = 1 space for every 325 square feet of retail space in Towson Town Center

Total required parking spaces - 12 Total parking spaces available - 7 Additional required spaces





KBD ENGINEERING COMPANY

Process - Mechanical - Structural - Electrical

ONE COUNTRY CLUB LANE . PHOENIX, MARYLAND 21131

March 17, 1989

Mr. Carl Richards Baltimore County Zoning Commission Office of Planning & Zoning Towson, Maryland 21204

Ref: 29 Allegheny Avenue Building Permit No. 100955 Control Number C-399-88

Dear Mr. Richards:

Attached to this cover letter are two copies of a revised site plan showing the addition of parking calculations and citation of zoning variance approval for the subject property. The revised site plans are provided per your request for the permanent record associated with the building permit issued. Thank you for your cooperation in this matter.

H. C. Skip" Harclerode II, P.E. President

John A, 88-491- A. 3/28

88-491-4

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this

Received by: James R. Dww.
Chairman, Zoning Plans
Advisory Committee Petitioner's Attorney William E. Remond

BACIMORE COUNTY, MARY ND

INTER-OFFICE CORRESPONDENCE

SUBJECT Zoning Petition #88-491-A.

There are no comprehensive planning factors requiring comment on this petition.

Office of Planning and Zoning

PDF/jat cc: Shirley Hess, People's Counsel J. G. Hoswell Zoning Office

Same a sure of the Contract

CC: William E. Planness, Ey.

20NING OFFICE

3/27/58

CP5-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 17, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeaks Ave. Towson, Maryland 2120

Bureau of Engineering

Industrial

William E. Hammond, Esquire 107 Main Street Reinterstown, Maryland 21136

RE: Item No. 351 - Case No. 88-491-A Petitioner: Anne M. Fischer Petition for Zoning Variance

Dear Mr. Hammonds

Department of Traffic Engineering The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made Bureau of fire Prevention aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with Realth Department recommendations as to the suitability of the requested zoning. Building Department Board of Education Soning Administration

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received. I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

growth Depertite JAMES E. DYER Chairman Zoning Plans Advisory Committee

Enclosures

cc: Van Reuth & Weidner, Inc. Civil Engineers & Surveyors 5509 York Road Baltimore, Maryland 21212

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

Towson, MD 21204

J. Robert Haines Zoning Commissioner Office of Planning and Zoning

Baltimore County Office Building

Re: Property Owner: Anne M. Fischer

Dennis F. Rasmussen Location: S/S Allegheny Avenue, 193' E. Washington Avenue

April 14, 1988

Item No.: 351

Zoning Agenda: Meeting of 4/5/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ___ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the

Fire Prevention Code prior to occupancy or beginning of operation. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition

() 6. Site plans are approved, as drawn.

prior to occupancy.

() 7. The Fire Prevention Bureau has no comments

Special Inspection Division

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

May 10, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 348, 349, 350, 351, 352, 353, 355, 356 and 357.

> Very truly yours, Stephen E. Weber, P.E.

Assistant Traffic Engineer

SEW/RF/pml-b

 PEFORE THE ZONING COMMISSIONER PETITION FOR ZONING VARIANCE ANNE M. FISCHER, Petitioner BALTIMORE COUNTY Case No. 88-491-A

WITNESS SUBPOENA

Mr. Commissioner:

Please subpoens the following:

H. C. "Skip" HURCLERODE, II, P.E. KBD Engineering Company One Country Club Lane Phoenix, Maryland 21131

to testify for the Petitioner, Anne M. Fischer, at the hearing of this matter on Wednesday, June 8, 1988 at 11:00 A.M. at Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

> William E. Hammond, Attorney for Petitioner 107 Main Street Reisterstown, Maryland 21204 833-1322

Sheriff/ Private Process Server:

Please serve the within Subpoens for the above named party in accordance with Rule IV C. of the Rules of Practice and Procedure of the Coming Commissioner of Baltimore County.

J. Robert Haines, Zoning Commissioner

• BEFORE THE ZONING COMMISSIONER PETITION FOR ZONING VARIANCE ANNE M. FISCHER, Petitioner

BALTIMORE COUNTY Case No. 88-491-A

LANGE OF STREET

WITNESS SUBPOENA

Mr. Commissioner:

Please subpoena the following:

MARY GAMBERDELLA 29 Allegheny Avenue Towson, Maryland 21204

to testify for the Petitioner, Anne M. Fischer, at the hearing of this matter on Wednesday, June 8, 1988 at 11:00 A.M. at Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

> William E. Hammond, Attorney for Petitioner 107 Main Street keisterstown, Maryland 21136 833-1322

||Sheriff/Private Process Server:

Please serve the within Subpoena for the above named party in accordance with Rule IV C. of the Rules of Practice and Procedure of the Zoning Commissioner of Baltimore County.

J. Robert Haines, Zoning Commissioner

